

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

In re Patricia Denise Daley
Brown,
Debtor

Patricia Brown,
Plaintiff

v.

Navient Private Student
Loan Trust, and
National Collegiate Student
Loan Trust 2004-2, 2005-3,
and 2006-3

Defendant

Case No.: 19-36611-KLP

Adv. No.:

Chapter 7

**Complaint to Discharge
Private Student Loan
Debt**

Parties

1. **Plaintiff:** Patricia Brown is a citizen of the United States. When she filed the underlying bankruptcy case, Patricia resided in King George, Virginia, which is within the jurisdiction of the Eastern District of Virginia.

2. **Defendants:** Defendant National Collegiate Student Loan Trust 2004-2, 2005-3, and 2006-3 are statutory trusts formed in Delaware. Each trust can be served through its registered agent, Wilmington Trust Company, at Rodney Square North 1100 N. Market St, Wilmington DE 19890.

Navient Private Student Loan Trust is a statutory trust formed in Delaware. It can be served through its registered agent, Deutsche Bank Trust Company Delaware, 111 Continental Drive, Suite 102, Newark DE 19713. A copy of the complaint and summons will also be provided to Navient Solutions, Inc., PO Box 9500, Wilkes-Barre PA 18773-9500.

Jurisdiction and Venue

3. This adversary proceeding is brought under 11 USC § 523(a)(8) and Rule 7001(9) of the Federal Rules of Bankruptcy Procedure and its civil analog, 28 USC § 2201.
4. This Court has jurisdiction over this adversary proceeding under § 157(b) and § 1334(b) of the Judiciary and Judicial Procedural Rules.
5. Venue is proper in the Eastern District of Virginia under 28 USC § 1409 because this matter arises in and is related to a bankruptcy case filed in this district.

Final Order Consent Statement

6. Patricia consents to the bankruptcy court's entry of final orders or judgment.

Nature of the Action

7. This is an action to determine the dischargeability of student loan debt pursuant to 11 U.S.C. § 523(a)(8).

Factual Allegations

8. Patricia Brown has incurred various student loans, including both federal and private loans, for her education. She obtained her Bachelor's Degree in Criminal Justice Administration from the University of Phoenix, undertaken with the hope of enhancing her employability and financial stability.
9. Specifically, Patricia is seeking discharge of 4 private student loans, which are as follows:
 - **Navient Private Student Loan Trust:** Principal \$18,410.00 at 15.50% interest.
 - **National Collegiate & Trust Loan 2004-2:** Principal \$20,000.00 at 6.85% interest (currently under judgment).

- **National Collegiate & Trust Loan 2005-3:** Principal \$21,740.00 at 8.49% interest (currently under judgment).
 - **National Collegiate & Trust Loan 2006-3:** Principal \$21,740.00 at 11.83% interest (currently under judgment).
10. Patricia's federal student loans, totaling approximately \$110 thousand, are in a repayment plan based on her income with a monthly payment of \$0. The federal student loans are not the subject of this complaint.
 11. Each Trust filed suit against Patricia over a decade ago and have gotten judgments, rendering the entire balance of the debt immediately due and owing. The Trusts have initiated aggressive collection efforts, including wage garnishment, bank account levies, and liens on real property.
 12. Patricia has pursued various employment opportunities across different states, primarily in administrative, educational, and management roles. Despite these efforts, her wages have consistently been insufficient to meet her family's living expenses while also repaying her student loan debt.
 13. Patricia's late start in higher education and her subsequent entry into the job market during the 2008 global recession further compounded her financial difficulties. As a woman in her 50s, Patricia has faced additional challenges in securing well-paid employment.
 14. Patricia is married with two children, and her husband is a 100% disabled former military service member. The family's financial

situation is further strained by her husband's disability and the associated care responsibilities.

15. Recently, Patricia has been out of work due to severe hypertension, which has led to hospitalization, mandated bed rest, and daily medication. This medical condition has impaired her eyesight, limiting her ability to drive or work with computer screens.
16. As a result of these cumulative factors, Patricia is currently unable to maintain a minimal standard of living for herself and her dependents while repaying her student loan debt.

Count 1: Undue Hardship

17. Patricia re-alleges and incorporates by reference all preceding paragraphs.
18. Patricia is currently unable to maintain a minimal standard of living for herself and her dependents if forced to repay her private student loan debt. Her limited income, compounded by her husband's disability, her own severe health issues, and the responsibilities of caring for two children, leave her without sufficient resources to cover both her living expenses and loan repayments.
19. The financial hardship Patricia is experiencing is likely to persist for a significant portion of the repayment period of the student loans. Given her age, her deteriorating health condition, and the

challenges she faces in securing stable, well-paying employment, her prospects for achieving a level of income that would enable loan repayment are extremely limited.

20. Patricia has made good faith efforts to repay her student loans. Despite her constrained financial situation, she has sought employment consistently and has managed her finances to the best of her abilities. Her efforts have been hindered by factors beyond her control, including the economic downturn and her health condition.

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Prayer for Relief

WHEREFORE, Patricia Brown respectfully requests that this Court enter an order:

- Declaring the student loan debt owed to Navient Private Student Loan Trust, and National Collegiate Student Loan Trust 2004-2, 2005-3, and 2006-3 to be dischargeable; and
- Awarding any other relief the Court deems just and proper.

Respectfully submitted,
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